



THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:

N.ALEXANDROV et al.

Conf.: 5385

Appl. No.:

09/671,635

BCT 1 S 2001

Group: UNASSIGNED

Filed:

September 28, 2000

Examiner: UNASSIGNED

For:

SEQUENCE DETERMINED DNA FRAGMENTS AND

CORRESPONDING POLYPEPTIDES ENCODED THEREBY

PETITION TO REVIVE PATENT APPLICATION

Assistant Commissioner for Patents Washington, DC 20231

October 19, 2001

Sir:

In response to the Notice of Incomplete Reply mailed September 19, 2001, Applicants believe that the above-identified application has become abandoned. A Notice of Incomplete Reply was mailed on September 19, 2001 and sets a response date of September 1, 2001, eighteen days before the Notice was mailed. Therefore, Applicants believe that this application has become abandoned in error and respectfully petition to revive the application.

On February 1, 2001, the USPTO issued a Notice to File Missing Parts in this application, setting a date for response of April 1, 2001, extendable to September 1, 2001. On June 1, 2001, Applicants filed an appropriate, complete response to the Notice to File Missing Parts. That response included; a signed declaration and power of attorney, two CDs(in lieu of the paper copy) and CRF of a Sequence Listing and a petition for a two month extension of time. On September 19, 2001, the USPTO mailed a Notice of Incomplete Reply, which set as the period for response the end of the original time

period set in the Notice to File Missing Parts. That entire response period expired September 1, 2001.

As evidence of the statements made above, Applicants are submitting herewith the following:

- 1) a copy of the Notice to File Missing Parts mailed February 1, 2001.
- 2) a copy of the Reply filed June 1, 2001
- 3) a copy of the postcard receipt which was date stamped on June 1, 2001.
- 4) a copy of the Notice of Incomplete Reply mailed September 19, 2001.

Applicants submit that the reply filed on June 1, 2001 was a "bona fide" attempt to respond to the original Notice to File Missing Parts of Nonprovisional Application mailed February 1, 2001 and therefore a new time period to respond should have been set in the Notice of Incomplete Reply.

Regardless of the incorrect response date set by the Notice mailed September 19, 2001, Applicants are submitting herewith a Substitute Sequence Listing and Amendment to respond to the errors outlined in the Notice of Incomplete Reply.

If this application has indeed become abandoned, Applicants request that the application be immediately returned to pending status so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

Appl. No.09/671,635

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Dr. Mark Nuell, Reg. No. 36,623 in the Washington metropolitan area at 703-205-8000.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the USPTO.

However, if deemed necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

RCS/DRN/BCF 2750-1026P

Attachments:

(Rev. 09/23/01)

a copy of the Notice to File Missing Parts mailed February 1,2001.,

a copy of the Reply filed June 1, 2001,

a copy of the postcard receipt which was date stamped on June 1, 2001,

a copy of the Notice of Incomplete Reply mailed September 19, 2001,

an amendment submitting the Substitute Sequence Listing which complies with 37 C.F.R. 1.822 and/or 1.833 as requested by the Notice of Incomplete Reply.





COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/671.635

09/28/2000

Nickolai Alexandrov

2750-1026P

2292 BIRCH STEWART KOLASCH & BIRCH 8110 GATEHOUSE ROAD SUITE 500 EAST FALLS CHURCH, VA 22042



Date Mailed: 02/01/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.

 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 1.825 for the following reason(s):
 - This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- Patentin Software Program Support
- - For Technical Assistance, call (703) 287-0200
- To Purchase Patentin Software, call (703) 306-2600
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:

Nickolai ALEXANDROV et al.

Conf:

5385

Appl. No.:

09/671,635

Group:

UNASSIGNED

Filed:

September 28, 2000

Examiner:

UNASSIGNED

For:

SEQUENCE-DETERMINED DNA FRAGMENTS AND

CORRESPONDING POLYPEPTIDES ENCODED

THEREBY

THIS IS NOT A NEW PATENT APPLICATION

LETTER SUBMITTING DOCUMENTS FOR COMPLETION OF AN APPLICATION PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

BOX MISSING PARTS

Assistant Commissioner for Patents Washington, DC 20231

June 1, 2001

Sir:

The application papers for the above-identified application were originally filed on September 28, 2000 and the application was assigned Appl. No. 09/671,635.

DOCUMENTATION

\boxtimes	Under the provi	isions of	37 C.F.R. §	§ 1.41(c	e) and 1.53(f),	attached	hereto is	s the executed
	Declaration	and	Power	of	Attorney	of	the	inventor(s)
	(⊠ original □	(original photocopy), necessary for completing the filing requirements in connection						
	with the above-identified application.							
	Under the prov	isions of	37 C.F.R. §	§ 1.41(c	e) and 1.53(f),	attached	hereto is	s the executed
	Declaration that was attached to the specification at the time of execution. The attached							
	specification is a true copy of the specification that was filed in the U.S. Patent and							
	Trademark office on September 28, 2000, including any amendments thereto (if applicable)							
	filed on even da	ate therev	vith					



\boxtimes	invento	dersigned hereby declares that "Attorney Docket No. 2750-1026P on page 1 of the ors' Declaration and Power of Attorney, filed on June 1, 2001, corresponds to Appl. (671,635, filed September 28, 2000, entitled 'SEQUENCE-DETERMINED DNA MENTS AND CORRESPONDING POLYPEPTIDES ENCODED THEREBY."
	Attach	ed are() sheet(s) of formal drawings.
\boxtimes	Attach	ed is a copy of the Notice to File Missing Parts of Nonprovisional Application.
		ed is an English language translation of the above-identified application that was filed reign language. See the attached Translator's Verification; or The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
		ned hereto is a Statement Claiming Small Entity Status (original photocopy). tted concurrently herewith under separate cover for recording is an Assignment.
		FEES
	The G	overnment Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic
Gover	nment F	filing Fee(s) (37 C.F.R. § 1.16(a)-(d)) (if applicable) is/are paid by deposit account and
calcul	ated as:	follows:
		Basic Filing Fee(s): \$0.00 (37 C.F.R. § 1.16(a)-(d))
		The Government Filing Surcharge under 35 U.S.C. § 1.16(e)) for late filing of filing fee, oath and/or declaration: ☐ Large Entity - \$130.00 ☐ Small Entity - \$ 65.00)
		The Government Filing Surcharge under 37 C.F.R. § 1.17(k)) for filing of translation of non-English Specification in the amount of \$130.00: was previously paid for concurrently with the filing of the application on
		is paid by deposit account.

COPY

Appl. No. 09/671,635

	No extension fee is required because the undersigned has not yet received the Notice to File
	Missing Parts of Nonprovisional Application. However, if for some reason it is determined
	that an extension of time is necessary, applicant hereby respectfully petitions for an
	extension of time for the filing of the present paper in accordance with the provisions of 37
	C.F.R. § 1.136 and 37 C.F.R. § 1.17.
\boxtimes	Applicant hereby respectfully petitions for a two (2) month(s) extension of time for the filing
	of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R.
	§ 1.17. The required fee of \$195.00 is paid by deposit account.
	A check in the amount of \$0.00 to cover the basic filing fee(s), surcharge fee(s), and any
	extension of time fees (if applicable) is enclosed.
\boxtimes	Please charge Deposit Account No. 50-1055 in the amount of \$260.00. A triplicate copy of

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

this transmittal form is enclosed.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Raymond C. Stewart, #21,066

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

Attachments

RCS/DRN/BCF 2750-1026P

(Rev. 10/23/2000)

COPY

Atty. Docket No. 2750-1026P Client Docket No. 00106.002 Application No. 09/671,635

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Sequence-Determined DNA Fragments and Corresponding Polypeptides Encoded Thereby

the specification of which (check one) is attached hereto was filed on 9/28/00 as Application Serial No. 09/671,635, and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Number Country Day/Month/Year Filed <u>Yes No</u>

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) and/or provisional applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application	•	Status
Serial No.	Filing Date	Patented, Pending, Abandoned
60/156,458	9/28/99	Pending

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Nic	kolai AL	LEXANDROV			
Inventor's signature	W.	Heranh	سسن	Date	1218100
Residence Thousand Oaks, CA USA		W. T.	··	·	
Citizenship Russia					
Post Office Address 1404 Oak Trail S	treet, Th	ousand Oaks, CA 913	320 USA	<u> </u>	-
Full name of second inventor Maxim	TROUK	HAN			····
Inventor's signature				Date	11/29/00
Residence Agoura Hills, CAUSA					
Citizenship Russia					
Post Office Address 29425 Hillrise D	rive, Ag	oura Hills, CA 91301	USA		



PATENT
Atty. Docket No. 2750-1026P
Client Docket No. 00106.002
Application No. 09/671,635

Full name of third inventor Vyacheslav BROVER	
Inventor's signature	Date 1/9/2001
Residence Calabasas, CA USA	
Citizenship Russia	
Post Office Address 5916 N. Las Virgenes Road #59	0, Calabasas, CA 91302 USA

Attorney Docket No. 2750-1026P Client Docket No. 00106.002 Application No. 09/671,635

IE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Nickolai ALEXANDROV et al.

Serial No.:

09/671,635

Group Art: Unassigned

Filed:

9/28/00

Examiner: Unassigned

For:

SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING

POLYPEPTIDES ENCODED THEREBY

POWER OF ATTORNEY

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R.§1.36, Ceres, Incorporated, the Assignee of the above-identified patent application hereby appoints the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Ling-Fong Chung – Reg. No. 36,482	Terrell C. Birch - Reg. No. 19,382
Raymond C. Stewart – Reg. No. 21,066	James M. Slattery – Reg. No. 28,380
Joseph A. Kolasch – Reg. No. 22,463	Michael K. Mutter – Reg. No. 29,680
Bernard L. Sweeney – Reg. No. 24,448	Gerald M. Murphy, Jr. – Reg. No. 28,977
Charles Gorenstein – Reg. No. 29,271	Terry L. Clark – Reg. No. 32,644
Leonard R. Svensson – Reg. No. 30,330	Marc S. Weiner – Reg. No. 32,181
Andrew D. Meikle - Reg. No. 32,868	Donald J. Daley – Reg. No. 34,313
Joe McKinney Muncy – Reg. No. 32,334	John A. Castellano – Reg. No. 35,094
John W. Bailey – Reg. No. 32881	Mark Nuell – Reg. No. 36,623

Please direct all correspondence and telephone calls regarding this application to the following:

Birch, Stewart, Kolasch & Birch, LLP or Customer No. 2292 P.O. Box 747, Falls Church, Virginia 22040-0747 Telephone: (703) 205-8000 · Fax (703) 205-8050

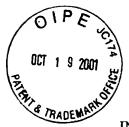
By:

CERES, INCORPORATED

Dated: December 13, 2000

Marky Vasal

Chief Operations Officer





IN THE U.S. PATENT AND TRADEMARK OFFICE

Δn	plica	mt.
ΔU	viica	uı.

Nickolai ALEXANDROV et al.

Conf:

5385

Appl. No.:

09/671,635

Group:

UNASSIGNED

Filed:

September 28, 2000

Examiner:

UNASSIGNED

For:

SEQUENCE-DETERMINED DNA FRAGMENTS AND

CORRESPONDING POLYPEPTIDES ENCODED

THEREBY

SMALL ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents Washington, DC 20231

June 1, 2001

Sir:

Transmitted herewith is an amendment in the above-identified application.

A Verified Statement Claiming Small Entity Status					
	is submitted herewith (Original Photocopy).				
\boxtimes	was previously submitted on September 28, 2000.				

The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The enclosed document is being transmitted via facsimile.

The following items are additionally transmitted herewith along with the amendment:

Two (2) identical CD-Rs, as required by §1.52(e)(4), created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	May 31, 2001	106

One (1) CD-R, as required by §1.821(e), containing the Computer Readable Form (CRF) of the Sequence Listing created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	May 31, 2001	106



\boxtimes	Substitute Specification, excluding Table 1 and the claims	submitted in clean form without
	markings under 37 C.F.R. §1.125(c)	

Marked-up copy of the substitute specification, excluding Table 1 and the claims, under 37 C.F.R. §1.125(b)(2)

Copy of Notice to File Missing Parts

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	50	-	50	=	0	\$ 9	\$0.00
INDEPENDENT	5	-	5	.=	0	\$ 40	\$0.00
FIRST PRESE	NTATION OF A M	TULT!	PLE CLAIM	<u> </u>		\$135	\$0.00
		***				TOTAL	\$0.00

\boxtimes	A two (2) month(s) extension of time for the filing of the present paper in accordance with
	the provisions of 37 C.F.R. §1.136 and 37 C.F.R. §1.17 has been petitioned for and the
	applicable fees have been paid in the accompanying response to the Notice to File Missing
	Parts filed on June 1, 2001 for the present application number.
	• • • • • • • • • • • • • • • • • • • •

No fee is required.

Please charge Deposit Account No. 50-1055 in the amount of \$0.00. This form is submitted in triplicate.

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By ~ (1) (1) 36.623

Raymond C. Stewart, #21,066

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

RCS/DRN/BCF 2750-1026P Attachments





IN THE U.S. PATENT AND TRADEMARK OFFICE

Compact Disk TRANSMITTAL LETTER

Applicant:

Nickolai ALEXANDROV et al.

Conf:

5385

Appl. No.:

09/671,635

Group:

UNASSIGNED

Filed:

September 28, 2000

Examiner:

UNASSIGNED

For:

SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING

POLYPEPTIDES ENCODED THEREBY

The application identified above contains two (2) identical CD-Rs created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	May 31, 2001	106

Additionally the application contains one (1) CD-R, as required by §1.821(e), containing the Computer Readable Form (CRF) of the Sequence Listing created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	May 31, 2001	106

If there are any problems concerning the Compact Disk Submission, please contact the undersigned at telephone number 703-205-8000 or by facsimile at 703-205-8050.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: 06/01/2001

Raymond C. Stewart, #21,066

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

RCS/DRN/BCF 2750-1026P Attachments





IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Nickolai ALEXANDROV et al.

APPLICATION NO.:

09/671,635

GROUP:

UNASSIGNED

FILED:

September 28, 2000

EXAMINER: UNASSIGNED

FOR:

SEQUENCE-DETERMINED DNA FRAGMENTS AND

CORRESPONDING POLYPEPTIDES ENCODED THEREBY

AMENDMENT

Honorable Commissioner of Patents

June 1, 2001

Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 1, 2001, the following amendments and remarks are respectfully submitted in connection with the above-identified application.

IN THE SPECIFICATION AND CLAIMS

Please remove Table 1 and the claims from the original specification of record, and insert them into the substitute specification immediately prior to the schematic which appears on page 1095. Please renumber the pages of Table 1 and the claims consecutively beginning with page 1090 of the substitute specification.



Sequence Listing

Enclosed herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a Sequence Listing submitted on two (2) identical CD-Rs under 37 C.F.R. §1.821(c) in place of the paper copy. The computer readable form of the Sequence Listing is submitted herewith on one (1) additional CD-R as required by §1.821(e). These three (3) identical CD-R copies of the Sequence Listing, file "2750-1026P.ST25.txt", in no way introduce new matter into the specification.

Substitute Specification

A substitute specification, excluding Table 1 and the claims, is being respectfully submitted under 37 C.F.R §1.125 (b). This substitute specification in no way introduces new matter into the application.

As required under 37 C.F.R. §1.125(b)(2), a marked-up copy of the substitute specification, excluding Table 1 and the claims, is enclosed herewith showing the matter being added to and the matter being deleted from the specification of record. Also enclosed herewith is a substitute specification, excluding Table 1 and the claims, required under 37 C.F.R. §1.125(c), submitted in a clean form without markings as to amended material.

The substitute specification, excluding Table 1 and the claims, is submitted to reference the sequences containing four or more amino acids disclosed in the specification by their SEQ ID NOS. Submitting a substitute specification, excluding Table 1 and the claims, gives the Patent Office the advantage of saving the time needed to enter the large volume of amendments in the specification and reducing the number of printing errors. No new matter is introduced by these

Application No. 09/671,635

amendments.

A Two (2) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. §1.136 and 37 C.F.R. §1.17 has been petitioned for and the applicable fees have been paid in the accompanying response to the Notice to File Missing Parts filed on June 1, 2001 for the present application number.

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

> Respectfully submitted, BIRCH, STEWART, KOLASCH & BIRCH, LLP

By A4N 26 36 623 Raymond C. Stewart, #21,066

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

Attachments:

One (1) CD-R of computer readable form of the Sequence Listing

Two (2) CD-Rs of the Sequence Listing in place of the Paper Copy

Clean Form of Substitute Specification Marked-up Copy of Substitute Specification

Copy of Notice to File Missing Parts of Nonprovisional Application

RCS/DRN/BCF



Papers Filed herewith on: JUNE 200	
DOCKET NO : 2750 - 1024P ATTY: RCS/DRN	_ ·
APPLICANT(S): N. ALEKAN DROV et al	_
APPLN. NO: 09/471/635 FILED: 9-28-200	
PAT NO.:	-
New Application with Transmittal Letter Utility Design CIP PCT Provisional Filing Under 37 CFR 1.53(b) CONT DIV Filing Under 37 CFR 1.53(d) (CPA) Filing Under 37 CFR 1.114(RCE) Specification Consisting of:	DOCKET NO. 3750 - 10 26
D'Amendment: for substitute soec + sequence	6
☐ Response ☐ Large Entity ☐ Small Entity ☐ P	"
Clateration Division 100 at 10	
□ Notice of Appeal □ Appeal Brief	
Olssue Fee Transmittal	١.
□ FEES:	
Letter:	
Dother: 3 CDRs with Sequence of History AR	,
Marked up ivay of sua spice, wp. spic first	الم.
CO transmittal, copy of Notice to Compy	
Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.	
COMMISSIONER OF PATENTS AND TRADEMARKS	
Due Date:	
Handcarry:	

FALLS CHURCH, VA 22040-0747

Date Mailed: 09/19/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a)accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

• A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202



IN THE U.S. PATENT AND TRADEMARK OFFICE

ApplicantradeMARK	Nickolai ALEXANDROV	et al.
ApplicantradeMATE	Nickolai ALEXANDROV	et al

Appl. No.:

09/671,635

Group:

UNASSIGNED

Filed:

September 28, 2000

Examiner:

UNASSIGNED

For:

SEQUENCE-DETERMINED DNA FRAGMENTS AND

CORRESPONDING POLYPEPTIDES ENCODED

THEREBY

SMALL ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents Washington, DC 20231

October 19, 2001

Sir:

Transmitted herewith is an amendment in the above-identified application.

A Ver	ified Sta	atement Claiming Small Entity Status is submitted herewith (Original Photocopy).
	\boxtimes	was previously submitted on September 28, 2000.
	The er	aclosed document is being transmitted via the Certificate of Mailing provisions of 37 § 1.8.
	The er	aclosed document is being transmitted via facsimile.

The following items are additionally transmitted herewith along with the amendment:

Two (2) identical CD-Rs, as required by §1.52(e)(4), created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	October 19, 2001	153 KB

One (1) CD-R, as required by §1.821(e), containing the Computer Readable Form (CRF) of the Sequence Listing created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	October 19, 2001	153 KB

One (1) CD-R, as required under 37 C.F.R. §1.121, containing a marked-up copy of the amended file. The files contained on the CD-R are as follows:

File Name	 Date of Creation	File Size

Copy of the Notice of Incomplete Reply

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	50	-	50	=	0	\$ 9	\$0.00
INDEPENDENT	5	-	5	=	0	\$ 40	\$0.00
FIRST PRESEN	ITATION OF A M	IULTI	PLE CLAIM			\$135	\$0.00
						TOTAL	\$0.00

A () month(s) extension of time for the filing of the present paper in accordance with the
provisions of 37 C.F.R. §1.136 and 37 C.F.R. §1.17 has been petitioned for and the
applicable fees have been paid in the accompanying response to the Notice to File Missing
Parts filed on October 19, 2001 for the present application number.

\boxtimes	Nο	fee	is	required
	INO	100	13	required

Please charge Deposit Account No. 50-1055 in the amount of \$0.00. This form is submitted in triplicate.

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Mark J. Muell, # 36,62

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

RCS/DRN/BCF 2750-1026P Attachments



Compact Disk TRANSMITTAL LETTER

Applicant:

EXANDROV et al.

Appl. No.:

09/671,635

Group:

UNASSIGNED

Filed:

September 28, 2000

Examiner:

UNASSIGNED

For:

SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING

POLYPEPTIDES ENCODED THEREBY

The application identified above contains two (2) identical CD-Rs created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	October 19, 2001	153 KB

The application also contains one (1) CD-R, as required by §1.821(e), containing the Computer Readable Form (CRF) of the Sequence Listing created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
2750-1026P.ST25	October 19, 2001	153 KB

If there are any problems concerning the Compact Disk Submission, please contact the undersigned at telephone number 703-205-8000 or by facsimile at 703-205-8050.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: 10/19/2001

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

RCS/DRN/BCF 2750-1026P Attachments



BOX SEQUENCE PATENT 2750-1026P

THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Nickolai ALEXANDROV et al.

APPLICATION NO.: 09/671,635

GROUP:

UNASSIGNED

FILED:

September 28, 2000

EXAMINER: UNASSIGNED

FOR:

SEQUENCE-DETERMINED DNA FRAGMENTS AND

CORRESPONDING POLYPEPTIDES ENCODED THEREBY

AMENDMENT

Honorable Commissioner of Patents Washington, D.C. 20231

October 19, 2001

Sir:

In response to the Notice of Incomplete Reply mailed September 19, 2001, the following amendments and remarks are respectfully submitted in connection with the above-identified application.

In the Specification:

Please replace the paragraph and table beginning on page 1 line 5 with the following amended paragraph and table:

-- This application contains a CDR, the entire contents of which are hereby incorporated by reference. The CDR contains the following files:

File Name	Date of Creation	File Size
2750-1026P.ST25	October 19, 2001	153 KB

IN THE SPECIFICATION:

Please delete the Sequence Listing of record and insert the Compact Disks labeled "Copy 1" and "Copy 2"

which contain paper copies of the Substitute Sequence Listing in it's place. (37 C.F.R. 1.52e)

REMARKS

Sequence Listing

Enclosed herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a Substitute Sequence

Listing submitted on two (2) identical CD-Rs (labeled "Copy 1" and "Copy 2") under 37 C.F.R.

§1.821(c) in place of the paper copy. The computer readable form of the Substitute Sequence

Listing is submitted herewith on one (1) additional CD-R (labeled "Computer Readable Form") as

required by §1.821(e). These three (3) files of the Substitute Sequence Listing file "2750-

1026P.ST25" are identical and no way introduce new matter into the specification.

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a

loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to

charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time

fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

ву___

Mark J. Nuell #36,623

P.O. Box 747

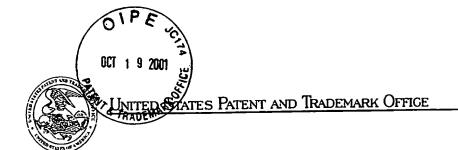
Falls Church, VA 22040-0747

(703) 205-8000

Attachments:

-Paper and Disk Copies of the Substitute Sequence Listing (3-CDs)

3



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
WWW.USDIO.GOW

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/671,635

BIRCH STEWART KOLASCH & BIRCH

FALLS CHURCH, VA 22040-0747

2292

PO BOX 747

09/28/2000

Nickolai Alexandrov

2750-1026P

CONFIRMATION NO. 5385

FORMALITIES LETTER



OC000000006574379

Date Mailed: 09/19/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of
the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as
indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a
substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content
of the sequence listing information recorded in computer readable form is identical to the written (on paper
or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR
1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

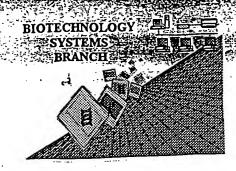
- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202





The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:	09/671,635A	RECEIVED
Source:	1646	JUL 1 1 2001
Date Processed by STIC:	6/20/2001	TECH CENTER 1600/29d0

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,

2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216. PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax) PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE <u>CHECKER</u> <u>VERSION 3.0 PROGRAM</u>, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address: http://www.uspto.gov/web/offices/pac/checker

RECEIVED

Raw Sequence Listing Error Summary

JUL 1 1 2001

TECH CENTER 1600/2900 SERIAL NUMBER: 09 SUGGESTED CORRECTION ERROR DETECTED ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE Wrapped Nucleics The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3, this will Wrapped Aminos prevent "wrapping." Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces. The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; Misaligned Amino use space characters, instead. Numbering The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please Non-ASCII ensure your subsequent submission is saved in ASCII text. Sequence(s)____contain n's or Xaa's representing more than one residue. Per Sequence Rules, Variable Length each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing. A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid Patentin 2.0 . Normally, Patentin would automatically generate this section from the "bug" previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences. missing. If intentional, please insert the following lines for each skipped sequence: Skipped Sequences Sequence(s) (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (OLD RULES) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (i) (xi) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences. missing. If intentional, please insert the following lines for each skipped sequence. Skipped Sequences Sequence(s) (NEW RULES) <210> sequence id number <400> sequence id number Use of n's and/or Xaa's have been detected in the Sequence Listing. Use of n's or Xaa's Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xna's are present. (NEW RULES) In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents. Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or Invalid <213> scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or Response is Artificial Sequence missing the <220> "Feature" and associated numeric identifiers and responses. Usc of <220> Sequence(s) Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See 'Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules) Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, PatentIn 2.0 resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence "bug" listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.

AMC - Biotechnology Systems Branch - 06/04/2001

RECEIVED

JUL 1 1 2001

1645

TECH CENTER 1600/2900

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/671,635A

DATE: 06/20/2001
TIME: 11:08:56

Input Set : N:\COPIES\ES.txt

Output Set: N:\CRF3\06202001\1671635A.raw

Does Not Comply Corrected Diskette Needed

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3 <110> APPLICANT: ALEXANDROV, Nickolai et al.
                 5 <120> TITLE OF INVENTION: SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING
POLYPEPTIDES ENCODED
                                        THEREBY
                 8 <130> FILE REFERENCE: 2750-1026P
             10 <140> CURRENT APPLICATION NUMBER: US 09/671,635A
              11 <141> CURRENT FILING DATE: 2000-09-28
              13 <160> NUMBER OF SEQ ID NOS: 802
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                60 <213> ORGANISM: Consensus Sequence
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                64 Ala Gly Ser Cys Ile
                67 <210> SEQ ID NO: 6
                68 <211> LENGTH: 5
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70 <213> ORGANISM; Consensus Sequence

69 <212> TYPE: PRT

RAW SEQUENCE LISTING DATE: 06/20/2001
PATENT APPLICATION: US/09/671,635A TIME: 11:08:56

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Output Set: N:\CRF3\06202001\1671635A.raw

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RAW SEQUENCE LISTING DATE: 06/20/2001 PATENT APPLICATION: US/09/671,635A TIME: 11:08:56

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Output Set: N:\CRF3\06202001\1671635A.raw

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RAW SEQUENCE LISTING DATE: 06/20/2001 PATENT APPLICATION: US/09/671,635A TIME: 11:08:56

Input Set : N:\COPIES\ES.txt

Output Set: N:\CRF3\06202001\1671635A.raw

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DATE: 06/20/2001

TIME: 11:08:56

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PATENT APPLICATION: US/09/671,635A
                Input Set : N:\COPIES\ES.txt
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RAW SEQUENCE LISTING

The types of errors shown exist throughout the Sequence Listing. Please check subsequent sequences for similar errors.

VERIFICATION SUMMARY

DATE: 06/20/2001

PATENT APPLICATION: US/09/671,635A

TIME: 11:08:57

Input Set : N:\COPIES\ES.txt

Output Set: N:\CRF3\06202001\I671635A.raw